

### **REMARKS**

In an office action dated July 1, 2003, claims 37-70 have been rejected under 35 U.S.C. §112, first and second paragraphs. In response, Applicants provide the herein amendments and remarks. Claims 37-84 have been cancelled, and new claims 85-99 have been added. Thus, claims 85-99 are pending in the application.

### **Support for New Claims**

New claims 85-99 have been entered which are directed to a peptide whose amino acid sequence is derived from the 86-99 amino acid region of the lipopolysaccharide binding protein (LBP) represented by SEQ ID NO: 1, but with selected substitutions at particular sites within this domain. Support for the new claims can be found on page 5, second paragraph, and in cancelled claims 37-70.

### **Drawings**

The drawings have been objected to by the Draftsperson under 37 C.F.R. 1.84 or 1.152. In response, Applicants herein enclose formal drawings of figures 1-6.

### **Abstract**

In the office action, The Examiner points out that the application does not contain an abstract of the invention. In response, Applicants herein submit an Abstract on a separate sheet for entry in the above-referenced application.

### **Listing of References**

Applicants thank the Examiner for bringing to their attention that the references listed in the specification are not a proper information disclosure statement (IDS). Applicants have filed an IDS under separate cover.

### **Priority**

Applicants thank the Examiner for bringing to their attention that a complete priority statement is missing from the specification. By this amendment, a complete priority statement has been added.

### **Specification**

The specification has been objected to because the word “example” has been misspelled on page 12 and the word “mixtures” is duplicated on pages 12 and 13. By this amendment, the specification has been amended to correct the objections.

### **Rejections Under 35 U.S.C. §112, First Paragraph**

Claims 37-70 have been rejected under §112, first paragraph, as allegedly “containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.”

Applicants extend their gratitude to Examiners Shannon-Shah and Schwartz for taking the time to discuss the §112, first paragraph, rejection with their representative on September

10, 2003. During the telephone discussion, the Examiner's explained that they believe that the scope of claims 37-70 is too broad (i.e covering too many possible peptides).

In response, and in an effort to move the application towards allowance, Applicants have cancelled claims 37-84 and added new claims 85-99 that cover preferred peptides that have shown an unexpectedly increased ability to block lipopolysaccharide (LPS): lipopolysaccharide binding protein (LPB) interaction, and enhanced the inhibitory effect upon LPS-mediated activation of inflammatory cells. See Figures 1-6.

The preferred peptides disclosed in claims 85-99 are represented in SEQ ID NOS: 2-52 in the application.

The number of peptides covered by claim 85 has been reduced considerably as compared to the number of possible peptides previously covered by claim 37. The peptides covered by the new claims are adequately supported by the specification and examples, and were clearly in the possession of Applicants at the time the application was filed..

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection based on §112, first paragraph.

**Rejections Under 35 U.S.C. §112, Second Paragraph**

Claims 37-70 have been rejected under §112, second paragraph, as being indefinite with regards to the limitation "LPS binding and neutralizing peptide." In response,

Applicants have cancelled claims 37-70 and added new claims 85-99 that do not contain the above-mentioned limitation.

Accordingly, Applicants respectfully submit that the rejection under §112, second paragraph has been rendered moot.

In light of the foregoing remarks, Applicants respectfully submit that the application is now in condition for allowance. If Examiner Shannon-Shah believes a telephone discussion with the Applicants' representative would be of assistance, he is invited to contact the undersigned at his convenience.

Respectfully submitted,



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